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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/655,733	09/06/2000	Daniel Mui	11599 M-10913 US	9029

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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



Office Action Summary	Application No.	Applicant(s)
	09/655,733	MUI ET AL.
	Examiner Vernal U Brown	Art Unit 2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 06 September 2000 .

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 06 September 2000 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5

4) Interview Summary (PTO-413) Paper No(s). _____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

The application of Daniel Mui and Alexander Marquez for Use of Remote Control For Audio-Video Equipment to control other Devices filed 9/6/2000 has been examined. Claims 1-23 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8, 16, and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 8, 16, and 19, the use of the term “type” is indefinite because it is unclear what “type” is intended to convey (see MPEP 2173.05(b)E.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 8-9, 12-13, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Fong et al. U.S Patent 6309275.

Regarding claim 8, Fong et al. teaches a device other than audio-video equipment (figure 1) comprising a receiver (34) of wireless control signals emitted from a remote control to specify a particular function to be performed (col. 2 lines 7-10). Fong et al. further teaches the remote control is to control audio-video device (col. 13 line 36). Fong et al. also teaches the device having a decoder (24) connected to the receiver (figure 2) to identify the signal protocol of a received signal and performing the decoded function (col. 13 lines 35-40).

Regarding claim 9, Fong et al. teaches the device comprises a sound generator and the function decoded by the decoder includes a sound control function that is performed with the sound generator (col. 5 lines 48-52).

Regarding claims 12-13, Fong et al. teaches the device include a toy which is either a stuff animal or a doll (figure 1).

Regarding claim 15, Fong et al. teaches the wireless control signal includes infrared radiation pulses (col. 6 lines 21-26)).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pope U.S Patent 5963624 in view of Goodrich U.S Patent 5349639.

Regarding claim 1, Pope teaches operating a sound mute function key of a remote control to cause the remote control to emit a signal to which a audio-video equipment is adapted to respond by muting its sound (col. 1 lines 53-55). Pope teaches the remote control in the form of a handset stores different appliance codes (col. 2 lines 48-51) audio-video equipment and other appliances (figure 1) but is not explicit in teaching the use of the remote control to mute the audio signal of non audio-video device. Goodrich in an art related Automatic Electronic Audio Signal Attenuating Device And Method invention teaches an audio signal attenuating device (figure 1) which attenuate a first and second device audio signal to a desired degree of attenuation (col. 3 lines 25-40).

It would have been obvious to one of ordinary skill in the art for the remote control the mute function of a non audio-video equipment in Pope as evidenced by Goodrich because Pope suggests a remote control for controlling the mute function of audio-video equipment and further controlling other appliances and Goodrich teaches an audio signal attenuating device (figure 1) which attenuate a first and second device audio signal to a desired degree of attenuation in order to decrease the volume of an audio signal while an incoming call is received.

Regarding claim 2, Pope is silent on teaching the audio-video equipment receive the mute signal simultaneously with the device. Goodrich in an art related Automatic Electronic Audio Signal Attenuating Device And Method invention teaches an audio signal attenuating device (figure 1) which attenuate a first and second device audio signal simultaneously to a desired degree of attenuation (col. 3 lines 25-40).

It would have been obvious to one of ordinary skill in the art for the audio-video equipment to receive the mute signal simultaneously with the device in Pope because Pope teaches muting the sound producing equipment during an incoming call and Goodrich teaches multiple audio equipment receiving audio attenuation signal simultaneously in order to decrease the volume of an audio signal while an incoming call is received.

Regarding claims 3 and 4, Pope teaches operating the function key of the remote control to emit signals to which the particular piece of audio-video equipment is adapted to respond by increasing or decreasing a level of its sound output (col. 1 lines 55-63) but is silent on teaching the emitted signal from the remote control causes the device to increase or decrease its volume. Goodrich in an art related Automatic Electronic Audio Signal Attenuating Device And Method invention teaches an audio signal attenuating device (figure 1) which attenuate a first and second device audio signal simultaneously to a desired degree of attenuation (col. 3 lines 25-40).

It would have been obvious to one of ordinary skill in the art for the emitted signal from the remote control to the audio-video equipment to also cause the device to increase or decrease its sound output in Pope as evidenced by Goodrich because Pope suggests remote control for decreasing the sound of an audio-video or other equipment when a call is received and Goodrich teaches an audio signal attenuating device which attenuate a first and second device audio signal

to a desired degree of attenuation in order to decrease the volume of an audio signal while an incoming call is received.

Regarding claim 7, Pope teaches the device include home appliance (22).

Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pope U.S Patent 5963624 in view of Goodrich U.S Patent 5349639 and further in view of Fong et al. U.S Patent 6309275.

Regarding claims 5-6, Pope in view of Goodrich is silent on teaching the device includes a toy which is either a stuffed animal or a doll. Fong et al. in an art related invention in the same field of endeavor of using an audio-video equipment remote control to control another device teaches the use of audio-video remote control the sound producing function (col. 13 lines 30-42) in a stuff doll (figure 1).

It would have been obvious to one of ordinary skill in the art for the device to include a toy which is either a stuffed animal or a doll in Pope in view of Goodrich as evidenced by Fong et al. because Pope in view of Goodrich suggests an audio-video equipment remote control use to control non audio-video device and Fong et al. teaches the use of a television remote control to control the sound producing function in a stuff doll so as to allow a common household appliance remote control to be used to control a toy.

Claims 10-11, 14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fong et al. U.S Patent 6309275 in view of Pope U.S Patent 5963624.

Regarding claim 10, Fong et al. teaches the device learning the functions of the audio-video remote control (col. 13 lines 32-44) but is silent on teaching the decoded sound control function includes muting the sound generator. Pope teaches a remote control having a mute function for muting the device (col. 1 lines 53-55).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function includes muting the sound generator in Fong et al. as evidenced by Pope because Fong et al. suggests learning the function of the remote control and it is typical of remote controllers to have mute button as evidenced by Pope.

Regarding claims 11 and 17, Fong et al. teaches learning the functions of the remote control (col. 13 lines 32-44) but is silent on teaching the decoded sound control function includes adjusting a volume of sound emitted by the sound generator. Pope teaches a remote control having the decoded sound control function includes adjusting a volume of sound emitted by the sound generator (col. 1 lines 59-63).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function to include adjusting a volume of sound emitted by the sound generator in Fong et al. as evidenced by Pope because Fong et al. suggests learning the function of the remote control and it is typical of remote controllers to have volume control function as evidenced by Pope.

Regarding claim 14, Fong et al. is silent on teaching the device includes a home appliance. Pope in an art related invention in the same field of endeavor of remote control teaches an audio-video remote controller controlling a device other than an audio-video device (figure 1).

It would have been obvious to one of ordinary skill in the art to use an audio-video remote controller to control a home appliance in Fong et al. as evidenced by Pope because Fong et al. suggests the use of a television remote control to control a non audio-video device and Pope teaches an audio-video remote controller controlling a device other than an audio-video device in order to allow one remote controller to control multiple devices.

Regarding claim 16, Fong et al. teaches a device other than audio-video equipment (figure 1) comprising a receiver (34) of wireless control signals emitted from a remote control to specify a particular function to be performed (col. 2 lines 7-10). Fong et al. further teaches the remote control is to control audio-video device (col. 13 line 36). Fong et al. also teaches the device having a decoder (24) connected to the receiver (figure 2) to identify the signal protocol of a received signal and performing the decoded function (col. 13 lines 35-40). Fong et al. is however silent on teaching decoding the mute function and to mute the toy. Pope teaches a remote control having a mute function for muting the device (col. 1 lines 53-55).

It would have been obvious to one of ordinary skill in the art for the decoded sound control function includes muting the sound generator in Fong et al. as evidenced by Pope because Fong et al. suggests learning the function of the remote control and it is typical of remote controllers to have mute button as evidenced by Pope.

Regarding claim 18, Fong et al. teaching the toy is a stuff doll (figure 1).

Claim 19 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Movshovich U.S Patient 5386251 in view of Park U.S patent 6121893.

Regarding claim 19, Movshovich teaches an apparatus that receive infra-red radiation and generate an electrical signal (col. 5 lines 42-47). Movshovich further teaches a memory (156) for storing data of each of the plurality of infra-red signal protocols and data of signal pattern of corresponding distinct control functions within the individual infra-red signal protocols (col. 6 lines 60-63). Movshovich also teaches a micro-controller (152) for comparing the electrical detected signal with the memory data for decoding a received signal (col. 6 lines 38-43). Movshovich is however silent on teaching a photo-detector adapted to receive infra-red radiation and generate the corresponding electrical signal. Park in an art related Remote Control Receiving System invention teaches photo-detector adapted to receive infra-red radiation and generate the corresponding electrical signal (col. 2 lines 49-58).

It would have been obvious to one of ordinary skill in the art to use a photo-detector adapted to receive infra-red radiation and generate the corresponding electrical signal in Movshovich as evidenced by Park because Movshovich suggests an infra-red remote controlled apparatus and photo-detector are widely use to convert the input signal to electrical signal in a remote control receiving system as evidenced by Park.

Regarding claim 20-22, Movshovich teaches the device is claim 19 is a television (col. 5 lines 42-43). The conventional television has a sound source and the remote control typically has a mute function and control function for lowering or raising the volume.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Movshovich U.S Patient 5386251 in view of Park U.S patent 6121893 and further in view of Fong et al. U.S Patent 6309275.

Regarding claim 23, Movshovich in view of Park is silent on teaching the apparatus of claim 22 is installed within a toy. Fong in an art related Interactive Talking Dolls invention teaches the apparatus as described in claim 19 is installed in a toy (col. 13 lines 30-55).

It would have been obvious to one of ordinary skill in the art to install the apparatus of claim 19 within a toy in Movshovich in view of Park as evidenced by Fong et al. because Movshovich in view of Park suggest an apparatus as described in claim 19 and Fong et al. teaches a mechanism installed in a toy for incorporating the functions as described in claim 19 in order to allow a common household appliance remote control to be used to control a toy.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U Brown whose telephone number is 703-305-3864. The examiner can normally be reached on M-F, 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6743 for regular communications and 703-308-6743 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.



Vernal Brown
January 13, 2003

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